

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

ARC CONTROLS, INC.,)
Plaintiff,)
)
v.)
) CASE NO. 1:19-cv-391-LG-RPM
)
M/V NOR GOLIATH, *in rem*, and) *Consolidated with:*
GOLIATH OFFSHORE HOLDINGS PTE.) CASE NO. 1:19-cv-395-HSO-JCG
LTD., *in personam*)
)

)

JOINT MOTION TO DISMISS WITH RESERVATION OF CERTAIN RIGHTS

COME NOW, Defendants M/V NOR GOLIATH, *in rem*, and Goliath Offshore Holdings Pte. Ltd. (“Goliath”), Claimant-Intervenor MARMAC, LLC (“MARMAC”), and Claimants-Intervenors Central Boat Rentals, Inc., Curtin Maritime Corporation, McAllister Towing of New York, LLC, and Offshore Towing, Inc. and Global Towing Service, LLC (collectively the “Towing Companies”), and respectfully move for the entry of an order of dismissal in the above-captioned matter as follows:

1. Dismissing with prejudice all claims of MARMAC against Goliath;
2. Dismissing with prejudice all counter-claims of Goliath against MARMAC;
3. Dismissing with prejudice all counter-claims of Goliath against the Towing Companies; and
4. Dismissing without prejudice any and all claims that Goliath has, had or might in the future have against Epic Companies, LLC and Epic Applied Technologies, LLC (collectively “Epic”), along with any of their affiliated entities, including but not limited to Goliath’s own claims and any assigned claims that Goliath may be

entitled to assert in the Epic bankruptcy proceeding (Case No. 19-34752 in the United States District Court for the Southern District of Texas) or in any other proceeding or forum; and

5. Considering that all claims in this matter asserted against Goliath have been settled or dismissed, Goliath specifically prays without opposition that the surety bond issued by Aspen American Insurance Company ("Aspen") as surety on behalf of Goliath Offshore Holdings Pte. Ltd. as principal, to-wit Bond No. SU62176, be CANCELLED by order of the Court, and that Aspen and any affiliated entities be RELEASED from any further liability or obligation in connection with this matter or the aforesaid surety bond.

WHEREFORE, Goliath, MARMAC, and the Towing Companies pray for the entry of an order of dismissal as set forth above.

Respectfully submitted:

MOULEDOUX, BLAND, LEGRAND & PHELPS DUNBAR LLP
BRACKETT

s/André J. Mouledoux

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d/b/a McDonough Marine Service, Central
Boat Rentals, Inc., Curtin Maritime
Corporation, McAllister Towing of New
York, LLC, and Offshore Towing, Inc. and
Global Towing Service, LLC

s/Miles P. Clements

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Attorneys for Defendants M/V NOR
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OFFSHORE HOLDINGS PTE. LTD., *in
personam*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the above and foregoing pleading has been served on all known counsel of record by means of filing same with the Court's ECF System, this 8th day of June, 2022.

s/Miles P. Clements